

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

GEOVANNI BENITEZ-GIRON, )  
                                )  
Plaintiff,                 )  
v.                             ) Civil Action No. 3:21CV662-HEH  
                               )  
THOMAS MYER, *et al.*, )  
                               )  
Defendants.                 )

**MEMORANDUM OPINION**  
**(Dismissing Civil Rights Action Without Prejudice)**

By Memorandum Order entered on October 29, 2021, the Court conditionally docketed Plaintiff's action. (ECF No. 3.) The Court directed Plaintiff to return the *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with this Court's Order. Plaintiff failed to return the *in forma pauperis* affidavit and the consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall issue.



/s/

HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE

Date: Dec. 10, 2021  
Richmond, Virginia